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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,675

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Georg Bogner

502901-198PUS

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02/19/2008

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SUITE 1210

NEW YORK, NY 10176

EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

02/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on January 21, 2008 has been entered. Claims 38-40 have been amended. No claim has been cancelled, or added. Claims 22-45 are still pending in this application, with claims 22, 38 and 45 being independent.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on January 21, 2008 was filed after the mailing date of the Final Office Action on September 21, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

3. Applicant's arguments filed January 21, 2008 have been fully considered but they are not persuasive.

4. Regarding the Examiner's rejection of claims 22 and 45 under 35 U.S.C. 102(e) as anticipated by KAMADA et al. (U.S. Pat. App. Pub. 2002/0006040), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically a submount, a plurality of LED arranged on such submount, or the submounts exhibiting good thermal conductivity.

5. Regarding the Examiner's rejection of claims 23-37 and 41-44, the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 22 and would be allowable when/if the independent claim is allowed.

6. Regarding applicant's arguments that KAMADA et al. fail to disclose a submount, it is noted that argued features were originally presented by the Examiner in the First Office Action (mailed December 13, 2006), however, the applicant failed to argued the Examiners interpretation of the claimed submounts in the response to such Office Action (filed June 15 2007). As the applicant is surely aware, all grounds for rejection must be fully traversed, failure to do so might be considered as an admission by the applicant that such limitations are indeed Prior Art. However, to expedite prosecution such arguments have been considered. See MPEP § 714.02 and 37 C.F.R. 1.111.

In response to applicant's arguments that KAMADA et al. fail to disclose a submount, the applicant is once again advised that in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. *In re Preda*, 159 USPQ 342 (CCPA 1968).

In this case, while the applicant might be right in that element 11 is referred to by KAMADA et al. as a "dent", it must also be recognized that one of ordinary skill in the art would have recognized the dents 11 as broadly being a submount, as the plurality of

LED 1a-1d are mounted within such dents 11 to form a cell S. The applicant is also directed to Figure 31.

7. Regarding applicant's arguments that KAMADA et al. fail to disclose a plurality of LED arranged on such submount, the applicant is respectfully directed to Figure 31 where such structure is disclosed.

8. Regarding applicant's arguments that KAMADA et al. fail to disclose submounts exhibiting good thermal conductivity, the applicant is respectfully directed to section 15 of the Final Office Action (mailed September 21, 2007), where such arguments were addressed.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee, can be reached on (571) 272-7044. The facsimile machine number for the Art Group is (571) 273-8300.

Art Unit: 2885

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

/Ismael Negron/  
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